

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas

ENTERED

January 06, 2025

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

versus

Michael Lofti

§
§
§
§
§

Case No. 4:25-mj-00003

FILED

JAN 07 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY dal
DEPUTY CLERK

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Texas Western District Court, Del Rio division, in 20-cr-1836-2.

The defendant requested court appointed counsel. Federal Public Defender appointed.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: January 6, 2025

Dena Palermo
Dena Hanovice Palermo
United States Magistrate Judge

RECEIVED

JAN 07 2025

U.S. MARSHALS W/TX DEL RIO

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CRIMINAL DOCKET FOR CASE #: 4:25-mj-00003-1
*Internal Use Only***

Case title: USA v. Lofti

Date Filed: 01/06/2025

Other court case number: 2:20-cr-01836 Western District of
Texas (Del Rio)

Assigned to: Magistrate Judge
Dena Hanovice Palermo

Defendant (1)

Michael Lofti

represented by **Federal Public Defender – Houston**
440 Louisiana
Ste 1350
Houston, TX 77002
713-718-4600
Fax: 713-718-4610
Email: hou_ecf@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

Violation of Supervised Release

Plaintiff**USA**

Date Filed	#	Docket Text
01/06/2025	<u>1</u>	Petition for Warrant or Summons for Offender Under Supervision from Western District of TX, Del Rio as to Michael Lofti, filed. (glk4) (Entered: 01/06/2025)
01/06/2025		Arrest (Rule 32) of Michael Lofti, filed. (glk4) (Entered: 01/06/2025)
01/06/2025	<u>2</u>	Arrest Warrant issued 11/29/2022; Returned Executed on 1/6/2025 as to Michael Lofti. Defendant was arrested in Houston, TX. Document restricted from PACER under privacy policy., filed. (glk4) (Entered: 01/06/2025)
01/06/2025		Set/Reset Deadlines/Hearings as to Michael Lofti: Initial Appearance – Rule 32 set for 1/6/2025 at 02:00 PM in Courtroom 703 before Magistrate Judge Dena Hanovice Palermo (glk4) (Entered: 01/06/2025)
01/06/2025		Arrest of Michael Lofti, filed. (clf4) (Entered: 01/06/2025)
01/06/2025		INITIAL APPEARANCE IN RULE 5(c)(3) Minute Entry for proceedings held on 1/6/2025 before Magistrate Judge Dena Hanovice Palermo as to Michael Lofti. Defendant first appearance on Supervised Release Violation from the Texas Western District Court 20-cr-1836-2 and advised of rights/charges. Defendant requests appointed counsel, Financial Affidavit executed on the record, Defendant appeared with counsel. Order appointing FPD for limited purpose, Waiver of Identity executed on the record, Defendant ordered removed to originating district. Defendant reserves his right to have all hearings in WDTX Del Rio Appearances: AUSA Benjamin Hunter Brown for USA; AFD Ryan Rones for Defendant.(ERO:Yes) (Interpreter: No) (Pretrial Officer: Karen Barriento) Defendant remanded to custody, filed. (clf4) (Entered: 01/06/2025)
01/06/2025	<u>3</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Michael Lofti FOR LIMITED PURPOSE. (Signed by Magistrate Judge Dena Hanovice Palermo) Parties notified. (clf4) (Entered: 01/06/2025)
01/06/2025	<u>4</u>	BRADY ORDER on Rule 5(f) as to Michael Lofti. (Signed by Magistrate Judge Dena Hanovice Palermo) Parties notified. (clf4) (Entered: 01/06/2025)
01/06/2025	<u>5</u>	COMMITMENT TO ANOTHER DISTRICT as to Michael Lofti. Defendant committed to the Texas Western District Court. (Signed by Magistrate Judge Dena Hanovice Palermo) Parties notified. (clf4) (Entered: 01/06/2025)
01/06/2025		RULE 5 Papers sent via email to Texas Western District Court Del Rio Division as to Michael Lofti, filed. (clf4) (Entered: 01/06/2025)

PROB 12C
(7/93)

United States Courts
Southern District of Texas

FILED

January 06, 2025

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS

FILED

NOV 29 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

Petition for Warrant or Summons for Offender Under Supervision

4:25-mj-0003

Name of Offender: Michael Lofti Case Number: DR:20-CR-1836(2)-AM
Name of Sentencing Judicial Officer: Honorable Alia Moses, Chief United States District Judge
Date of Original Sentence: November 12, 2021
Original Offense: Conspiracy to Transport Illegal Aliens, in violation of 8 U.S.C. § 1324
Original Sentence: 21 months' imprisonment, followed by a three-year term of supervised release
Type of Supervision: Supervised Release Date Supervision Commenced: May 13, 2022
Assistant U.S. Attorney: John P. Cooper Defense Attorney: Alberto Rodriguez (AFPD)

PREVIOUS COURT ACTION

On October 14, 2022, a Probation Form 12A was filed with the Court to address drug usage. No action was requested or taken by the Court.

PETITIONING THE COURT

- ☒ The issuance of a warrant
☐ The issuance of a summons

A true copy of the original, I certify.
Clerk, U.S. District Court
By: [Signature]
Deputy Clerk

The probation officer believes that the offender has violated the following condition(s) of supervision:

- | Violation Number | Nature of Noncompliance |
|------------------|---|
| 1. | Special Condition: The defendant shall abstain from the use of alcohol and any and all other intoxicants. |
| 2. | Special Condition: The defendant participate in a substance abuse treatment program and follow the rules and regulations of that program. The program shall include testing and examination to determine if the defendant has reverted to the use of drugs and alcohol. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall pay the costs of such treatment if financially able. |
| 3. | Special Condition: The defendant shall submit to substance abuse testing to determine if the defendant has used a prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing if financially able. |

Michael Lofti
DR:20-CR-1836(2)-AM
Petition for Warrant or Summons
Page 2

On September 12, 2022, September 29, 2022, October 6, 2022, and October 31, 2022, the defendant has submitted to random drug testing and said results have returned positive for marijuana.

On June 20, 2022, September 28, 2022, and October 4, 2022, the defendant failed to submit for a random drug test.

On June 20, 2022, the defendant failed to report for substance abuse counseling.

4. **Mandatory Condition No. 7:** If this judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant as an outstanding balance of \$1,000.00 on his fine. He has failed to make any payment since commencing his term of supervision.

5. **Mandatory Condition No 8:** The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.

The defendant has an outstanding balance on his special assessment of \$50.00. His last payment was made on September 28, 2022, in the amount of \$50.00.

U.S. Probation Officer Recommendation: Mr. Lofti commenced his supervision on May 13, 2022. During his term of supervision, he has submitted multiple positive drug tests for marijuana, all while participating in counseling. Mr. Lofti was advised on the previous report to the Court to remain clean of drugs; however, he continues to actively use. Additionally, it should be noted, the defendant has an outstanding felony state warrant from Bastrop County for a previous drug charge that was pending prior to his federal sentence. Said warrant has not been executed and the case remains pending. Therefore, it is respectfully recommended that the defendant's term of supervision be revoked, and his term of supervised release be re-instated after serving a period of incarceration.

The term of supervision should be

- ☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)
- ☐ extended for ___ years for a total term of ___ years
- ☐ The conditions of supervision should be modified as follows:

Approved:



Hector J. Garcia
Supervising U.S. Probation Officer

Respectfully Submitted,



Nickalous D. Wisner
U.S. Probation Officer,
Date: November 28, 2022
Telephone #: (512)954-4305

Michael Lofli
DR:20-CR-1836(2)-AM
Petition for Warrant or Summons
Page 3

Approved:

Joshua B. Banister for

James T. Ward
Supervisory Assistant U.S. Attorney

cc: Andrew Gonzales
Assistant Deputy Chief U.S. Probation Officer

THE COURT ORDERS:

- ☐ No action.
- ☒ The issuance of a WARRANT. Bond is set in the amount of \$ Detain cash/surety with supervision by the United States Probation Office to continue as a condition of release.
- ☐ The issuance of a SUMMONS.
- ☐ Other

Alia Moses

Honorable Alia Moses
Chief U.S. District Judge

11/29/22

Date

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants:
--Non Case Participants:
--No Notice Sent:

Message-Id:42860667@txs.uscourts.gov
Subject:Activity in Case 4:25-mj-00003 USA v. Lofti Arrest - Rule 40
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 1/6/2025 at 10:01 AM CST and filed on 1/6/2025

Case Name: USA v. Lofti
Case Number: 4:25-mj-00003
Filer:
Document Number: No document attached
Docket Text:
Arrest (Rule 40) of Michael Lofti, filed. (glk4)

4:25-mj-00003-1 Notice has been electronically mailed to:

4:25-mj-00003-1 Notice has not been electronically mailed to:

MIME-Version:1.0

From:DCECF_LiveDB@txs.uscourts.gov

To:DC_Notices@localhost.localdomain

Bcc:

--Case Participants:

--Non Case Participants:

--No Notice Sent:

Message-Id:42860736@txs.uscourts.gov

Subject:Activity in Case 4:25-mj-00003 USA v. Lofti Set/Reset Deadlines/Hearings

Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 1/6/2025 at 10:04 AM CST and filed on 1/6/2025

Case Name: USA v. Lofti

Case Number: 4:25-mj-00003

Filer:

Document Number: No document attached

Docket Text:

Set/Reset Deadlines/Hearings as to Michael Lofti: Initial Appearance – Rule 32 set for 1/6/2025 at 02:00 PM in Courtroom 703 before Magistrate Judge Dena Hanovice Palermo (glk4)

4:25-mj-00003-1 Notice has been electronically mailed to:

4:25-mj-00003-1 Notice has not been electronically mailed to:

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants: Federal Public Defender - Houston (hou_ecf@fd.org)
--Non Case Participants:
--No Notice Sent:

Message-Id:42866454@txs.uscourts.gov
Subject:Activity in Case 4:25-mj-00003 USA v. Lofti Arrest
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 1/6/2025 at 4:22 PM CST and filed on 1/6/2025

Case Name: USA v. Lofti
Case Number: 4:25-mj-00003
Filer:
Document Number: No document attached
Docket Text:
Arrest of Michael Lofti, filed. (clf4)

4:25-mj-00003-1 Notice has been electronically mailed to:

Federal Public Defender – Houston hou_ecf@fd.org

4:25-mj-00003-1 Notice has not been electronically mailed to:

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants: Federal Public Defender - Houston (hou_ecf@fd.org)
--Non Case Participants:
--No Notice Sent:

Message-Id:42866615@txs.uscourts.gov
Subject:Activity in Case 4:25-mj-00003 USA v. Lofti Initial Appearance - Rule 5(c)(3)
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 1/6/2025 at 4:30 PM CST and filed on 1/6/2025

Case Name: USA v. Lofti

Case Number: 4:25-mj-00003

Filer:

Document Number: No document attached

Docket Text:

INITIAL APPEARANCE IN RULE 5(c)(3) Minute Entry for proceedings held on 1/6/2025 before Magistrate Judge Dena Hanovice Palermo as to Michael Lofti. Defendant first appearance on Supervised Release Violation from the Texas Western District Court 20-cr-1836-2 and advised of rights/charges. Defendant requests appointed counsel, Financial Affidavit executed on the record, Defendant appeared with counsel. Order appointing FPD for limited purpose, Waiver of Identity executed on the record, Defendant ordered removed to originating district. Defendant reserves his right to have all hearings in WDTX Del Rio Appearances: AUSA Benjamin Hunter Brown for USA; AFD Ryan Rones for Defendant.(ERO:Yes) (Interpreter: No) (Pretrial Officer: Karen Barriento) Defendant remanded to custody, filed. (clf4)

4:25-mj-00003-1 Notice has been electronically mailed to:

Federal Public Defender - Houston hou_ecf@fd.org

4:25-mj-00003-1 Notice has not been electronically mailed to:

MIME-Version:1.0
From:DCECF_LiveDB@txs.uscourts.gov
To:DC_Notices@localhost.localdomain
Bcc:
--Case Participants: Federal Public Defender - Houston (hou_ecf@fd.org)
--Non Case Participants:
--No Notice Sent:

Message-Id:42866681@txs.uscourts.gov
Subject:Activity in Case 4:25-mj-00003 USA v. Lofti Rule 5 Papers Sent
Content-Type: text/html

U.S. District Court

SOUTHERN DISTRICT OF TEXAS

Notice of Electronic Filing

The following transaction was entered on 1/6/2025 at 4:33 PM CST and filed on 1/6/2025

Case Name: USA v. Lofti

Case Number: 4:25-mj-00003

Filer:

Document Number: No document attached

Docket Text:

RULE 5 Papers sent via email to Texas Western District Court Del Rio Division as to Michael Lofti, filed. (clf4)

4:25-mj-00003-1 Notice has been electronically mailed to:

Federal Public Defender – Houston hou_ecf@fd.org

4:25-mj-00003-1 Notice has not been electronically mailed to:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas

ENTERED

January 06, 2025

Nathan Ochsner, Clerk

UNITED STATES OF AMERICA

§

versus

§

Case No. 4:25-mj-00003

§

Michael Lofti

§

§

ORDER APPOINTING COUNSEL FOR LIMITED PURPOSE

Because the Defendant, Michael Lofti, has satisfied this court that (s)he is financially unable to employ counsel for initial appearance only and does not wish to waive counsel, and because the interests of justice so require, an attorney is hereby **APPOINTED** to represent Defendant in the above designated case for the **limited purpose of any hearing conducted in Houston, Texas**, and shall have no effect once the Defendant is transferred to the original court in the Texas Western District Court, Del Rio Division. Once transferred, the original court must make a new determination on whether the Defendant satisfies the requirements for appointed counsel based on the information available to the court at that time.

Attorney appointed: Federal Public Defender

The appointment **SHALL** remain in effect until Defendant is transferred to the original jurisdiction and this case is terminated in the Southern District of Texas.

Signed on January 6, 2025.


Dena Hanovice Palermo
United States Magistrate Judge